



**PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, October 24, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane. County Manager William Wilson was absent.

**A G E N D A**

**A. Call to order: Chairman Johnnie McDaniel**

**B. New Business:**

- 1. Application #02-19Z:** Springs Industries, Inc. Successor by Merger to Dundee Mills, Inc., Owner- Minerva Properties, L.L.P., Agent – 129.56 acres on Jordan Hill Road located in Land Lot(s) 155 and 166 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential
- 2. Application #02-33S:** Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (129.56 acres located in Land Lot(s) 155 and 166 of the 3<sup>rd</sup> Land District) – requesting a special exception to allow one acre lots in the R-2 District.

Chairman McDaniel stated that a letter has been received from Brian Davison of MINERVA to table these applications from tonight's meeting and that they be brought forward to the Board of Commissioners meeting to be held November 21, 2002.

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Application #02-19Z and Application #02-33S was tabled to a date certain of November 21, 2002 by a unanimous vote of 5-0.*

- 3. Application #02-26S: Lift from the table -** New Era Missionary Baptist Convention of Georgia, Inc., Owner – Council of Overseers, New Era Missionary Baptist Convention Center, Inc., Agent – 1229 Green Valley Road (41.320 acres located in Land Lot(s) 214 and 215 of the 2<sup>nd</sup> Land District – requesting a Special Exception to allow a Church and related uses meeting development standards in the AR-1 District.

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale Application #02-26S was lifted from the table by a vote of 4-0-1 with Commissioner Kendall abstaining from the vote.*

Commissioner Kendall recused himself from this discussion as he has a conflict with this matter and left the room while the application was being discussed per advice from Zoning Attorney Newton Galloway.

Rev. Douglas Stowers gave his address as 6697 Autumn West Drive, Riverdale, GA. Rev. Stowers stated they would like to erect a chapel or enclosed pavilion where they can have their Congress of Christian Education, mission conference and one day youth conference and to also contain the noise. They have been renting a tent and getting an amplification permit for the amplified sound. It is not for regular church services but is to be used three to four times a year. It may be used at other times for family reunions and smaller meetings. He said they own ninety

acres of land. He said it was approved by the Board of Zoning Appeals with conditions of having extra insulation and also a 25 ft. buffer for the entire tract. He entered some pictures of the property into the record.

Commissioner Morrow asked if they would consider moving closer to the new property on the north side, which they have purchased, as neighbors are not happy with the activity on the south side. Rev. Stowers stated that it is already moved pretty much to that property line on the north side but they would entertain moving it over some to be a good neighbor.

There was a discussion regarding this already being a non-conforming use and should it have been presented as a variance to expand a non-conforming use instead of a special exception. The special exception would remove in effect the grandfather entirely and replace that with a *de novo* legal conforming status that would bring them under the ordinance under its full weight.

Mr. William Johnston, attorney for Sandra Roof, 1269 Green Valley Road, Robert Nordan, 1289 Green Valley Road and Louise Sims, 1369 Green Valley Road, gave his address as 124 North Hill Street. He said when this was a recreational facility, before New Era bought it prior to 1996, the property was strictly a non-conforming use and New Era filed an application in 1997 which stated that future plans for development called for a chapel to be built to hold religious services and facilities for Christian education for our Congress, which meets once a year. After a long drawn out hearing they withdrew their application and were allowed to stay under a present special exception under AR-1. They can use this property as a recreation facility under the AR-1 but he sees this as asking for a special exception to use the property for religious purposes and build this chapel. If this is granted, the applicants have to come under the new rules and there has to be an expanded driveway with ingress and egress lanes and the parking has to be paved. He said when you expand that is detrimental to the use of other adjacent properties. Also depreciated effects outweigh the benefits as this has been a problem going on for years and years. He said if it were approved there would be two special exceptions granted for one tract of land. He said that his clients concerns are if they build this, they feel that they will want to expand further on this property. There is already too much traffic and too much noise now. On behalf of his clients, he asked the Board of Commissioners to deny this request for special exception.

Assistant County Manager Sabine clarified for the record that no previous special exception has been granted on this piece of property with the non-conforming use coming from the days of the M-1 zoning. In 1997 the applicant did request a special exception; however, at the hearing they withdrew that request. He said on the parking any entrance would need to be upgraded to meet the standards now in the UDO.

Commissioner Johnie McDaniel asked Mr. Sabine what is the principle use of this property. Mr. Sabine answered him with conference center and educational. He said that a special exception for a church is ill defined. He said by granting the special exception you are defining a new principal use valid from the time of the action and that is the principle use. He said that the present uses are not necessarily in compatible with that of a church but at the same time, they have had some secular activities out there and those would not be the criteria in a special exception.

*Motion made by Commissioner Martha McDaniel to deny **Application #02-26S** for a special exception. Commissioner Morrow seconded the motion and motion to deny was approved by a vote of 3-1-1 with Commissioner Johnie McDaniel voting against the motion and Commissioner Kendall absent when the vote was taken.*

4. **Application #02-30S:** Catherine C. Kreismanis, Owner – 11 acres on Rover-Zetella Road located in Land Lot(s) 35, 36, 61 and 62 of he 1<sup>st</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Ms. Catherine Kreismanis, owner, gave her address as 260 Rover-Zetella Road. She said that she owns a manufactured home, has a business nearby and has twenty-one acres of land and would like to move the 1985 mobile home to eleven of these acres. She would like to remodel this mobile home and give to her son so he would be able to help her maintain the property and the business nearby.

Mr. Gabriel Kreismanis gave his address as 260 Rover-Zetella Road, Williamson, GA and he said a new mobile home in Spalding County would cost \$75,000 and up and with the cost of moving the older mobile home from its present location, remodeling it, he would be good to get it for \$30,000 to \$35,000. He said it would benefit him and his mother.

Staff recommendation was to deny this application as placement of the manufactured home would impact the trend of development in the area. The trend is toward conventional with 67% of the homes being conventional. This compatibility does not meet legal requirements the Board has made.

*Motion made by Commissioner Massengale to deny **Application #02-30S**. Commissioner Martha McDaniel seconded the motion and motion to deny was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

- 5. Application #02-20Z:** Richard B. Corbin, Owner – 7600 Highway 16 West (5.58 acres located in Land Lot 14 of the 1<sup>st</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Mr. Richard Corbin, owner, gave his address as 153 West Kelley Lake, Brooks, GA. He asked for rezoning to build mini warehouses for public use.

No one else was signed up to speak for or against this application.

*Motion made by Commissioner Morrow to approve **Application #02-20Z** with the following conditions: (1) for mini-storage units only; (2) 40 ft. buffer required on the west and south side and (3) landscaping plan approved by staff. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

- 6. Application #02-23Z:** Greg Pruitt Construction Company, Inc., Owner – 947 Bailey Jester Road (4 acres located in Land Lot 9 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Greg Pruitt, owner, gave his address as 55 Partridge Path and was requesting to divide the four acres into two-two acre lots and build two houses. He said the house they have already built is already sold and has a total of 2100 SF and the other house is sold if he can get approval. He said the lots were shaped the way they are because of the flood plain on the property that he cannot build in. He had to have 200 ft. of road frontage and 200 ft at the building line. The property has a common paved driveway. He said this division of property meets all the requirements of the UDO without a variance.

Those signed up to speak against this application were as follows:

Mr. Jeff Clive gave his address as 944 Bailey Jester Road. He said they are a tight knit little community and want their space and is against this rezoning to R-2. This will just lead to more and more residential in this area.

Ms. Cindy Clive gave her address as 944 Bailey Jester Road. She said she was against this also as they want to keep their space and acreage in this community. She said they all have horses and ride their horses. Mr. Pruitt was aware of the rezoning when he purchased this property and built one house and now wants to subdivide and build another one to make more money. There is twenty-five acres adjacent to this property and we don't want it rezoned residential and become a big subdivision.

Ms. Cynthia Nadeau gave her address as 935 Bailey Jester Road. She said she lives on the same side of the road and they have animals out there, horses, chickens and dogs. She said they are a close tight community and they take care of each other and share everything. She said there is a flood plain on the backside of the property. She owns 3.51 acres and lives one lot from the property. She asked to table this application, if they were considering approval, in order for them to get their whole community here together and invited them to come out and visit their community.

Ms. Rhonda Highnote gave her address as 941 Bailey Jester Road. She owns 2.88 acres adjacent to the property. She said that she likes things the way they are and also mentioned the flood plain.

Staff made no recommendation on this piece of property as Mr. Pruitt serves on the Board of Zoning Appeals for the County. There has been previous criticism when a recommendation was made that involved a member of one of the County Boards. This should not be interpreted that staff is for or against this application.

*Commissioner Massengale made a motion to approve **Application #02-23Z**. Commissioner Kendall seconded the motion for purpose of discussion.* Commissioner Kendall asked couldn't there be two driveways instead on one common driveway and square the lots off to have two conventional shaped lots. Mr. Sabine stated that you have to have three things for each house, the house, the septic tank and the well within the building line, which is a factor in this. You also have to deal with the flood plain on the backside of the property.

Mr. Pruitt stated that the individual that has bought that lot realizes that there is an easement there for the drive to go back and he has no problem with it.

Commissioner Morrow asked Mr. Pruitt if he would be willing voluntarily to build a bigger house than required in R-2 zoning. Zoning Attorney Newton Galloway made the observation if there was an agreement to a larger square footage, that we move it to a zoning classification with larger square footage so you don't have a condition that jumps over two zoning classes. Mr. Pruitt said that he had no problem to building a 1750 SF house, which classification is R-1.

*Commissioner Massengale amended his motion to approve **Application #02-23Z** conditioned to R-1 zoning. Commissioner Kendall amended his second to the motion also. Chairman McDaniel called the question and the motion to approve conditioned to R-1 was approved by vote of 3-2 with Commissioners Johnnie McDaniel and Martha McDaniel voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

- 7. Application #02-24Z:** Anita G. Barfield, Executrix for Estate of Kenneth A. Barfield, and William Dim Barfield, Owners – Alan R. Mobley, Agent – 11.55 acre, more or less, southeast corner of Highway 19/41 and Mailer Road, located in Land Lot 108 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Commissioner Morrow recused himself from the discussion as he has a personal conflict with this application and left the meeting room.

Mr. Julian Mobley gave his address as 325 Birdie Road and stated he was representing Alan Mobley, Agent. The purpose of the rezoning is to develop the property to have a car lot or heavy equipment sale lot. They also plan to move their office to this facility. He has interest from a convenience store, a General Dollar Store, a bank, car lot, equipment rentals and a liquor store. He has no signed contracts.

There was a discussion by Mr. Alan Mobley, who came into the meeting during discussion, regarding C-1B zoning requiring two acres. It was explained to him that is because of unsewered areas requiring septic systems for commercial businesses. Mr. Sabine stated that the individual lot sizes on this site plan (individual parcels being conveyed not per building) and this is a very important distinction. You are likely to do a group development so if you retain ownership then the acreage issue becomes immaterial. However, if you were to divide it up, you would have to break it up into two-acre tracts.

There was no one else signed up to speak for or against this application.

Staff and Planning & Zoning Board recommended approval with condition of brick and/or masonry/stucco on all sides that are visible from the roadway.

*Motion made by Commissioner Martha McDaniel to approve **Application #02-24Z** conditioned with brick and/or masonry stucco on any wall visible from roadway. Commissioner Massengale seconded the motion and motion was approved by a vote of 4-0-1 with Commissioner Morrow not present when vote was taken. **The Resolution will be incorporated into the minutes on second and final reading.***

**C. Other Business:**

Assistant County Manager Sabine stated that Commissioner Morrow would like to discuss an issue if it is the pleasure of the Board. This item is not on the agenda.

*Motion made by Commissioner Morrow to amend the agenda for discussion only the C-2 property on Ellis Road. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

Mr. Sabine stated that the McLeroy family has withdrawn their application relative to the residential rezoning out there and he was aware that some of the Commissioners were interested in this rezoning of property. Commissioner Morrow stated that this C-2 is no longer appropriate and he felt it would be appropriate to ask Planning & Zoning Board to rezone these properties to a residential category and out of the C-2. He would like to see a R-1 zoning on Ellis Road.

Mr. Sabine stated if it were agreeable with the Board, he would like to place this matter on the November 4<sup>th</sup> agenda for official direction. The Board had no problem with this being placed on the November 4<sup>th</sup> agenda.

**D. Adjournment.**

*Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel the meeting was unanimously adjourned at 8:16 PM.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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